

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. CC-36-1980

C# M#

Confirmation No. 5088

TC/A.U.: 2839

Examiner: Chandrika Prasad

Date: September 10, 2008

KERRY ET AL.

Serial No. 10/573,578

Filed: March 24, 2006

Title: TELECOMMUNICATIONS CONNECTION APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

☐ Correspondence Address Indication Form Attached.

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences
from the last decision of the Examiner twice/finally rejecting
applicant's claim(s).

\$510.00 (1401)/\$255.00 (2401) \$

☒ An appeal **BRIEF** is attached in the pending appeal of the
above-identified application

\$510.00 (1402)/\$255.00 (2402) \$ 510.00

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ()

☐ A reply brief is attached.

(no fee)

☐ Pre-Appeal Brief Request for Review form attached.

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$460.00 (1252)/\$230.00 (2252)

Three Month Extensions \$1050.00 (1253)/\$525.00 (2253)

Four Month Extensions \$1640.00 (1254)/\$820.00 (2254) \$ 0.00

☐ "Small entity" statement attached.

Less month extension previously paid on

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TOTAL FEE ENCLOSED \$ 510.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this
firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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CC:lmr

NIXON & VANDERHYE P.C.

By Atty: Chris Comuntzis, Reg. No. 31,097

Signature: _____

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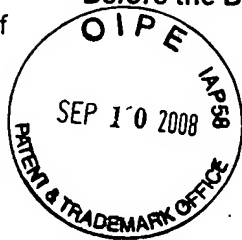
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Examiner: Chandrika Prasad

September 10, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant hereby **appeals** to the Board of Patent Appeals and Interferences from
the last decision of the Examiner.

09/11/2008 AWONDAF1 00000106 10573578

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(I) **REAL PARTY IN INTEREST**

The real party in interest is British Telecommunications public limited company, a corporation of the country of the United Kingdom.

(II) RELATED APPEALS AND INTERFERENCES

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1-14 and 16-30 are pending and have been rejected. Claim 15 has been canceled. No claims have been substantively allowed. All of rejected claims 1-14 and 16-30 are being appealed.

(IV) STATUS OF AMENDMENTS

An Amendment to the Final Rejection dated March 13, 2008 was filed on June 13, 2008. In the Advisory Action dated June 30, 2008, the Examiner indicated that the Amendment would be entered for purposes of appeal and that the claims were only unpatentable over Cox – thus, the Examiner tacitly agreed that the amended claims overcame the rejection under 35 U.S.C. 112, second paragraph, for indefiniteness.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

Each independent claim, each dependent claim argued separately, and each claim having means plus function language is summarized below including exemplary reference(s) to page and line number(s) of the specification.

1. A network termination wall plug suitable for connecting an item of telecommunications customer equipment located inside a telecommunications customer premise to an external telecommunications network, wherein the customer equipment and the network are separated by a wall having an exterior side exposed on the outside of a building structure and an interior side located inside the building structure, the wall including a bore communicating through the wall, the network termination wall plug comprising:

a hollow body in the form of a tube engageable in the bore [Figs. 3A-3B, ref. no. 10; Figs. 6A-6F, ref. no. 101; page 5, lines 13-16; page 8, lines 1-22], the tube including

(i) termination means to terminate an exterior telecommunications line connected to the telecommunications network [Figs. 3A-3B, ref. no. 10; Figs. 6A-6F, ref. no. 12/22; page 5, lines 16-21; page 8, line 24 to page 9, line 16]; and

(ii) connection means to receive a connector of the item of telecommunications customer equipment [Figs. 3A-3B, ref. nos. 12, 14; Figs. 6A-6F, ref. no. 12/22, 28; page 5, lines 23-32; page 9, lines 23-30],

the termination means and connection means being so arranged that with a telecommunications line terminated on the termination means, connection of the connector to the connection means provides a network terminating interconnection between the customer equipment and the telecommunications network.

5. A network termination wall plug comprising:

a generally cylindrical body having circumferential irregularities to be received within and frictionally engage a bore in a wall having an exterior side exposed on the outside of a building structure and an interior side located inside the building structure [Figs. 6A-6F, ref. no. 101; page 8, lines 1-22],

the body having at an interior end a cavity housing an electrical or optical connector [Figs. 6A-6F, ref. no. 12, 28; page 9, lines 23-30],

the body also having a passageway communicating with an opposite exterior end of the cavity to permit a telecommunications network cable to pass into the cavity housing and to be terminated at the connector [Figs. 6A-6F, ref. nos. 12, 11; page 8, line 24 to page 9, line 16].

16. A wall plug suitable for connecting an item of interior customer telecommunications equipment to an external telecommunications network, wherein the customer equipment and the external network are separated by a wall, the wall including a bore communicating through the wall, the wall plug comprising:

a hollow body in the form of a tube engageable in the bore [Figs. 6A-6F, ref. no. 101; page 8, lines 1-22], the tube including

(i) termination means, including an electronic module, for terminating a cable connected to the external network [Figs. 6A-6F, ref. nos. 22, 11; page 8, line 24 to page 9, line 16]; and

(ii) connecting means to receive a connector of the item of customer telecommunications equipment [Figs. 6A-6F, ref. no. 22, 28; page 9, lines 23-30];

the termination and connection means being so arranged that with the cable terminated on the termination means, connection of the connector to the connection means provides an interconnection between the equipment and the external network.

(VI) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-5, 8-12, 14, 16-20, 23-27, and 29 are anticipated under 35 U.S.C. 102(b) by Cox.

B. Whether claims 6-7, 13, 21-22, 28, and 30¹ would have been obvious under 35 U.S.C. 103(a) in view of Cox.

¹ The Examiner did not apply the prior art Cox reference against claim 30 in the Final Office Action, but did reject all claims over Cox in the Advisory Action.

(VII) ARGUMENT

A. Claims 1-5, 8-12, 14, 16-20, 23-27, and 29 are not anticipated by Cox

Appellants' invention is directed to a network termination apparatus which provides a connection to an external telecommunications network. The term "network termination" refers to the demarcation point between the private and public domains. On the other hand, Cox describes a wall mounting plate that does not provide a termination point for an external communication network.

Appellants' independent claims 1, 5 and 16 clearly require a network termination wall plug which includes termination means for terminating an exterior telecommunications line connected to a telecommunications network and connection means for receiving a connector of an interior customer telecommunications equipment and/or as having circumferential irregularities so as to be received within and frictionally engage a bore in a wall, etc. Cox simply does not teach or suggest the required network termination wall plug.

Indeed, there is nothing in Cox which suggests that his device serves as a network termination point for an external communications network, as disclosed and claimed in the present application. Instead, the Cox device provides a socket for a low-voltage electrical connection to be made with, e.g., a telephone.

The plug face 12 of the plug portion 10 in this case has been provided with a suitable port 14 for receiving the traditional receptacle connector of a telephone type connection. The wires for this connection can pass rearwardly through grooves or slots provided in the plug portion to allow electrical connection to a electrical supply indicated as 30.

See Cox at column 3, lines 18-24 (emphasis supplied). Thus, Cox teaches nothing more than a conventional wall mounting plate for connecting daisy chained (or home

run) telephone connections within a residential or commercial building. Cox only shows the installation of wall mounting plates for phone jacks *on interior walls*. No exterior wall connections are shown anywhere in Cox, let alone a connection to an external communication network, as required by the present claims. *Compare* Cox Figs. 1-9 and accompanying text to present Figs. 3A-7 and the accompanying text of the present specification.

More particularly, for example, the elements of present claim 1 directed to a "termination means to terminate an exterior telecommunications line connected to the telecommunications network" and provision of "a network terminating interconnection between the customer equipment and the telecommunications network" are not taught or suggested in Cox. Similar limitations in independent claims 5 and 16 are also not taught by Cox. In addition, it is noted that the "cable" (30) identified by the Examiner in the Final Office Action at page 3 as an "exterior telecommunications line" is actually an "electrical supply." See Cox at column 3, lines 23-24.

For all of the above reasons, independent claims 1, 5, and 16, and their respective dependent claims, are believed to patentably define over Cox.

B. Claims 6-7, 13, 21-22, 28 and 30 are not obvious over Cox

Since these claims depend from independent claims 1 or 16, they patentably define over Cox for the reasons given above.


CONCLUSION

In conclusion it is believed that the application is in clear condition for allowance; therefore, early reversal of the Final Rejection and passage of the subject application to issue are earnestly solicited.

Respectfully submitted,

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(VIII) CLAIMS APPENDIX

1. A network termination wall plug suitable for connecting an item of telecommunications customer equipment located inside a telecommunications customer premise to an external telecommunications network, wherein the customer equipment and the network are separated by a wall having an exterior side exposed on the outside of a building structure and an interior side located inside the building structure, the wall including a bore communicating through the wall, the network termination wall plug comprising:

a hollow body in the form of a tube engageable in the bore, the tube including

- (i) termination means to terminate an exterior telecommunications line connected to the telecommunications network; and
- (ii) connection means to receive a connector of the item of telecommunications customer equipment,

the termination means and connection means being so arranged that with a telecommunications line terminated on the termination means, connection of the connector to the connection means provides a network terminating interconnection between the customer equipment and the telecommunications network.

2. A network termination wall plug according to claim 1, further comprising:
a housing box including a cavity communicating with said connection means, said housing box also containing at least part of said connector means; and
wherein the connection means comprises a first inter-engageable member suitable for coupling to a second inter-engageable member, the second inter-

engageable member being connected to the item of telecommunications customer equipment.

3. A network termination wall plug according to claim 2 wherein the first inter-engageable member is a line jack outlet.

4. A network termination wall plug according to claim 1 wherein the hollow body is further adapted to guide the path of the telecommunication line along the bore.

5. A network termination wall plug comprising:
a generally cylindrical body having circumferential irregularities to be received within and frictionally engage a bore in a wall having an exterior side exposed on the outside of a building structure and an interior side located inside the building structure,
the body having at an interior end a cavity housing an electrical or optical connector,

the body also having a passageway communicating with an opposite exterior end of the cavity to permit a telecommunications network cable to pass into the cavity housing and to be terminated at the connector.

6. A network termination wall plug as claimed in claim 1 which tapers in its external dimensions throughout its length and being widest at said interior end.

7. A network termination wall plug as claimed in claim 1 which does not taper in its external dimensions throughout its entire length but whose said opposite exterior end is conical, tapering away from said interior end.

8. A network termination wall plug as claimed in claim 1 wherein said interior end of the plug is un-tapered in its external dimensions.

9. A network termination wall plug as claimed in claim 1 wherein at least part of the exterior periphery of the hollow body is provided with circumferential flanges.

10. A network termination wall plug as claimed in claim 5 wherein the connector is retained in the cavity by means of a snap-fit coupling.

11. A network termination wall plug as claimed in claim 10 wherein the snap-fit coupling is provided between part of the connector and part of the hollow body.

12. A network termination wall plug as claimed in claim 11 wherein the snap-fit coupling is provided between part of the body and a further component, the connector being secured within the cavity by the further component.

13. A network termination wall plug as claimed in claim 1, wherein the hollow body is moulded from a polyamide plastics material.

14. A network termination wall plug as claimed in claim 5, located within a bore in a wall having an exterior side exposed on the outside of a building structure and an interior side located inside the building structure, the cavity being contained within the wall.

Claim 15 (Canceled).

16. A wall plug suitable for connecting an item of interior customer telecommunications equipment to an external telecommunications network, wherein the customer equipment and the external network are separated by a wall, the wall including a bore communicating through the wall, the wall plug comprising:

a hollow body in the form of a tube engageable in the bore, the tube including

(i) termination means, including an electronic module, for terminating a cable connected to the external network; and

(ii) connecting means to receive a connector of the item of customer telecommunications equipment;

the termination and connection means being so arranged that with the cable terminated on the termination means, connection of the connector to the connection means provides an interconnection between the equipment and the external network.

17. A wall plug according to claim 16 wherein the connection means comprises an inter-engageable member suitable for coupling to a second inter-engageable member, the second inter-engageable member being connected to the item of telecommunications equipment.

18. A wall plug according to claim 17 wherein the first inter-engageable member is a line jack outlet.

19. A wall plug according to claim 16 wherein the body is further adapted to guide the path of the cable along the bore.

20. A wall plug according to claim 16 wherein the body has at one end a cavity housing an electrical or optical connector, a passageway coupled to the cavity to permit a communications cable to pass into the housing and to couple to the connector.

21. A wall plug as claimed in claim 16 which tapers throughout its length and being widest at said one end.

22. A wall plug as claimed in claim 16 which does not taper throughout its length but whose end remote from said one end is conical, tapering away from said one end.

23. A wall plug as claimed in claim 16 wherein said one end of the plug is untapered.

24. A wall plug as claimed in claim 16 wherein at least part of the exterior periphery of the body is provided with circumferential flanges.

25. A wall plug as claimed in claim 20 wherein the connector is retained in the cavity by means of a snap-fit coupling.

26. A wall plug as claimed in claim 25 wherein the snap-fit coupling is provided between part of the connector and part of the body.

27. A wall plug as claimed in claim 26 wherein the snap-fit coupling is provided between part of the body and a further component, the connector being secured within the cavity by the further component.

28. A wall plug as claimed in claim 16 wherein the body is molded from a polyamide plastics material.

29. A wall plug as claimed in claim 20 located within a bore in a wall, the cavity being contained within the wall.

30. A wall plug as claimed in claim 16 wherein the electronic module comprises functionalities relating to any one or more of: test and diagnosis, ADSL, or HPNA.

(IX) EVIDENCE APPENDIX

None.

(X) **RELATED PROCEEDINGS APPENDIX**

None.